



The Dow Chemical Company
Midland, Michigan 48674

August 2, 2002

VIA FAX
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PLEASE CONFIRM RECEIPT.
URGENT

Professor Ruth Duncan
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United Kingdom

**CONFIRMATION
OF FAX**

**FORMAL PAPERS FOR PATENT APPLICATIONS WITH THE DOW
CHEMICAL COMPANY**

Dear Professor Duncan:

This in reply to your e-mail of July 25, 2002.

The first patent application filed by Dendritech Inc., assigned from the University of London is US Serial No. 09/111,232, filed on July 7, 1998, a copy of that case was provided at the time of filing. The case is presently pending with prosecution history; a current Office Action will be answered shortly. The inventors on this case are Ruth Duncan and Navid Malik.

After this case was filed a publication ("Dendrimer-Platinate: A Novel Approach to Cancer Chemotherapy; Anti-Cancer Drugs, 10, pp767-776 (1999)) by Malik et al. (intervening publication) was made. Such publication affects the rights of subsequent cases. However, we are providing you with a copy of that application as it was filed, but without any of the prosecution history.

A divisional application from the original parent application was filed with US Serial No. 09/881,126, filed on June 14, 2001. A copy of the claims for the divisional are provided and the specification is the same as the original application and there are no Office Actions at this time. The inventors are the same as the parent.

Neither of the two cases mentioned above have any foreign counterparts.

The continuation-in-part (CIP) filed with US Serial No. 10/016,733 was filed on October 29, 2001 was done to include the new examples and information provided by

Don Tomalia and Roseita Esfand directed to the encapsulation of the cis-platinate and the other platinate compounds. The mechanism of shunting from the surface to the interior of the dendrimer is described. All of the prior information/data was retained from the earlier cases (which is customary for a CIP). Thus, there are now four inventors (two from the prior and two for the new added material). The only Office Action outstanding is the requirement for the submission of formal papers, please sign and return them promptly. The older material in the case will receive benefit from the earlier case which is to the intervening publication and the new matter is distinguished from the intervening publication. We supplied a copy of this application to you on March 11, 2002, but prior to your request we are submitting another copy to you.

The PCT application is directed only to subject matter which can be distinguished over the intervening publication. The PCT case has the application no. PCT/US01/48568 and was filed on October 29, 2001 with four inventors named. The only outstanding Office Action is the formal papers sent to you on March 11, 2002. The subject matter as claimed was conceived or reduced to practice by all four inventors named in the CIP. Because of the intervening publication some of the subject matter in the corresponding US is not legally available to be in the PCT.

Inventorship is determined by a patent attorney based on the subject content of the claims. This is a legal determination only and is not dependent in the specification and disclosure. Thus, I have made a determination and confirmed for all four cases.

None of the four applications have issued at this time nor are they expected to do so in the short term. As prosecution proceeds there will be continuous changes in the specification and the scope of the claims as filed.

We will attempt to maintain the broadest scope possible for both the old and new subject matter.

Paragraph 4 of the Agreement Dendritech will pay for all prosecution and maintenance cost, and the University will assist in prosecution of the Technology. We request the formal papers be signed and promptly return them.

Paragraph 2 of the Agreement Dendritech will hold all rights and title to the Technology including the right to sublicense.

Paragraph 3.3 of the Agreement give Dendritech the right to sell, assign or transfer the license rights under the Royalty Agreement with prior consent of the University, if Dendritech did not do this, it is your responsibility to contact them.

The Agreement requires no reporting of commercial diligence until such time a license or sublicense is granted. Dow feels they are in compliance with the agreement in accord to Paragraph 4. Dow will keep the University informed and it is up to the University to keep you informed.

We are very concerned with the lack of cooperation to maintain the viability of these properties. Should we not receive the papers in time we will have to take whatever action we can to avoid abandonment for legal reasons. We would appreciate you

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We are very concerned with the lack of cooperation to maintain the viability of these properties. Should we not receive the papers in time we will have to take whatever action we can to avoid abandonment for legal reasons. We would appreciate your prompt cooperation. The final deadline date is August 19, 2002, but we will have to prepare for this date in advance of the due date.

We look forward to receiving your signed formal papers well in advance of the due date.

Sincerely,



Karen L. Kimble
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KLK/maw

cc: Dr. J. Axe, London School of Pharmacy, Fax 9011 44 20 7837 3465 (w/encl)

Enclosure: via courier